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RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK
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UNCLAS SECTION 01 OF 02 PODGORICA 000046

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SENSITIVE
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STATE FOR EUR/SCE, S/WCI

E.O. 12958: N/A
TAGS: PGOV PREL KAWC KPAO MW SR
SUBJECT: MONTENEGRO WELCOMES ICJ RULING

REF: A. A) THE HAGUE 355

1B. B) PODGORICA 36

PODGORICA 00000046 001.3 OF 002

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SUMMARY

11. (U) MONTENEGRO'S PRESIDENT AND OPPOSITION ALIKE WELCOMED THE FEBRUARY 26 RULING BY THE INTERNATIONAL COURT OF JUSTICE (ICJ) THAT ABSOLVED MONTENEGRO FROM LIABILITY IN BOSNIA AND HERZEGOVINA'S 1993 GENOCIDE SUIT AGAINST THE FORMER YUGOSLAVIA. PRESIDENT VUJANOVIC SAID THE ICJ'S DECISION CONFIRMED THE WISDOM OF MONTENEGROS SEPARATION FROM SERBIA. THE OPPOSITION GENERALLY SAW THE RULING AS VINDICATING THE STANCE OF THE FORMER SERBIA AND MONTENEGRO, THAT THE FORMER STATE GOVERNMENT IN BELGRADE WAS NOT RESPONSIBLE FOR GENOCIDE. END SUMMARY.

PRESIDENTIAL REACTION

12. (U) AT A FEBRUARY 27 PRESS CONFERENCE, PRESIDENT FILIP VUJANOVIC (DPS), AS HEAD OF STATE, TERMED IT "HISTORICALLY SIGNIFICANT" THAT MONTENEGRO WAS EXCLUDED AS A PARTY TO THE BOSNIAN LAWSUIT AGAINST SERBIA AND MONTENEGRO FOR GENOCIDE.

"MONTENEGRO HAD NO PASSIVE LIABILITY IN THE CASE, GIVEN THAT SERBIA WAS THE SUCCESSOR TO ALL OBLIGATIONS OF THE FORMER YUGOSLAVIA," VUJANOVIC TOLD JOURNALISTS. THE PRESIDENT ALSO NOTED THAT MONTENEGRO HAS ALREADY EXPRESSED ITS REGRETS FOR THE GENOCIDE IN SREBRENICA. HE ADDED MONTENEGRO COULD NOT PREVENT THE CRIMES BECAUSE IT HAD NO COMMAND AUTHORITY OVER THE ARMY AND PARAMILITARY UNITS IN BOSNIA AT THAT TIME. NOTE: EVEN THOUGH HE IS A SENIOR MEMBER OF THE DEMOCRATIC PARTY OF SOCIALISTS (DPS), WHICH IS THE LARGEST COMPONENT OF THE RULING COALITION, PRESIDENT VUJANOVIC SPEAKS PUBLICLY AS THE HEAD OF STATE, AND NOT FOR THE GOVERNMENT, OR FOR HIS PARTY. END NOTE.

NO GOM REACTION

¶3. (U) IN CONTRAST TO THE PRESIDENT'S STATEMENT, THE GOVERNMENT OF MONTENEGRO HAS NOT FORMALLY COMMENTED ON THE DECISION. BOTH THE PRIME MINISTER'S OFFICE AND THE FOREIGN MINISTRY INFORMED POST THAT THE GOM HAS NO PLANS TO MAKE A STATEMENT. THE SPOKESMAN OF THE RULING DEMOCRATIC PARTY OF SOCIALISTS (DPS) NOTED THE DECISION, BUT MADE NO SUBSTANTIVE REMARKS. THE SOCIAL DEMOCRAT PARTY (SDP), AS JUNIOR PARTNER IN THE GOVERNING COALITION, SAID THE ICJ RULING CONFIRMED EARLIER SDP STATEMENTS THAT MONTENEGRO WAS NOT INVOLVED IN THE LEGAL CASE, FOR IT HAD SEPARATED FROM SERBIA, AND WAS NOT AN AGGRESSOR.

THE OPPOSITION SPEAKS

¶4. (U) NEBOJSA MEDOJEVIC OF THE MOVEMENT FOR CHANGE (PZP) STATED THAT ALL MONTENEGRINS SHOULD BE HAPPY WITH THE ICJ RULING FOR "THE DARK PERIOD IS BEHIND US AND WE CAN FINALLY TURN TO OUR JOINT FUTURE, TO COOPERATE IN ORDER TO INTEGRATE THIS TURBULENT REGION INTO EUROPE." HE ADDED THAT THE ICJ HAD "DECIDED THAT THE TRAGEDY THAT HAD HAPPENED IN THE FORMER YUGOSLAVIA HAS TO BE RESOLVED BASED ON THE PRINCIPLE OF INDIVIDUAL RESPONSIBILITY." PREDRAG POPOVIC, LEADER OF THE PEOPLE'S PARTY (NS), WELCOMED THE RULING BUT SAID THE FINDING THAT SERBIA HAD FAILED TO PREVENT GENOCIDE OR TO PUNISH ITS PERPETRATORS INDICATED THAT THE ISSUE OF WAR CRIMES WAS STILL OPEN.

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PODGORICA 00000046 002.3 OF 002

¶5. (U) THE SERB NATIONALIST PARTIES WERE GENERALLY PLEASED WITH THE RULING. GORAN DANILOVIC OF THE SERBIAN PEOPLE'S PARTY (SNS) SAID THE ICJ RULING SHOWED THAT SERBIA AND MONTENEGRO COULD NOT BE HELD RESPONSIBLE FOR GENOCIDE ON THE WHOLE TERRITORY OF BOSNIA. THE DEMOCRATIC SERBIAN PARTY (DSS) PRAISED THE ICJ FOR RESPECTING INTERNATIONAL LAW IN ITS DECISIONS, IN CONTRAST TO THE ICTY'S DECISIONS. THE DSS ALSO CALLED ON PARLIAMENT SPEAKER RANKO KRIVOKAPIC (SDP) TO RESIGN FOR ALLEGEDLY IMPLYING EARLIER THIS MONTH THAT MONTENEGRO SHOULD PAY REPARATIONS TO CROATIA.

COMMENT

¶6. (SBU) THE ICJ RULING CAME ON THE SAME DAY AS A VISIT FROM A SENIOR EU OFFICIAL, WHICH HELPED FOCUS MOST MONTENEGRIN REACTIONS ON MONTENEGRO'S RESPONSIBILITIES UNDER INTERNATIONAL LAW. THE LOW PROFILE TAKEN BY THE GOM IS PERHAPS ATTRIBUTABLE TO THE FACT THAT MANY OF ITS MOST SENIOR MEMBERS HAVE BEEN IN POSITIONS IN AUTHORITY CONTINUOUSLY SINCE 1990, INCLUDING DURING THE PERIOD OF THE WAR IN BOSNIA (1992-95). THE GOVERNMENT IS ALSO INCREASINGLY CONCERNED ABOUT POTENTIAL FINANCIAL LIABILITIES IN ONGOING CASES STEMMING FROM ACTIONS TAKEN IN 1991-92 (REF B).

BARNES

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